

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

SHELLEY MOUNTJOY, *
& *
CHRISTOPHER ARNTZEN * Civil Action No. CL 2012- 09756
Plaintiffs *
*
*
vs. *
*
*
JEFFREY WISMER, *
*
& *
*
RICHARD WINGROVE *
Defendants *

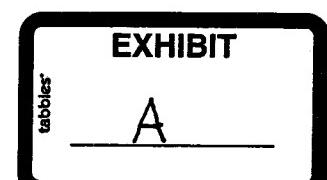
Serve: Jeffrey Wismer
2000 S. Eads Street, Apt. 218
Arlington, Virginia 22202

Serve: Richard Wingrove
c/o James P. Campbell
Campbell Flannery, P.C.
1602 Market Boulevard #220
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FIRST AMENDED COMPLAINT

COMES NOW, Plaintiffs, SHELLEY MOUNTJOY AND CHRISTOPHER ARNTZEN, by and through the undersigned counsel, move this Honorable Court for judgment against the Defendants, JEFFREY WISMER (hereinafter "Wismer") AND RICHARD WINGROVE (hereinafter "Wingrove"), jointly and severally, on the grounds and in the amount as hereinafter set forth:

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EXHIBIT

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A

PARTIES AND JURISDICTION

1. Plaintiff Shelley Mountjoy is a resident of the Commonwealth of Virginia whose domicile is Richmond, Virginia. Plaintiff Mountjoy is an officer of several atheist and free-thought organizations, including Capital Beltway Atheists, formerly known as "Beltway Atheists".
2. Plaintiff Christopher Arntzen is a resident of the District of Columbia. Plaintiff Arntzen is an officer of several area atheist and civic organizations, including Capital Beltway Atheists.
3. Defendant Jeffrey Wismer is a resident of the Commonwealth of Virginia. Defendant Wismer was a member of the Beltway Atheists who was removed from membership for disruptive outbursts, and for harassing several members.
4. Defendant Richard Wingrove is, and at all times relevant to this action was, a resident of the Commonwealth of Virginia. Defendant Wingrove was removed from membership of Beltway Atheists for involving himself in Defendant Wismer's actions in regard to Beltway Atheists.
5. The events which gave rise to this lawsuit occurred in Fairfax County, Virginia and any and all other places accessible by the internet.
6. This Court has original jurisdiction over this action pursuant to Virginia Code §17.1-513. Venue is proper pursuant to Virginia Code §8.01-262(4).

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FACTUAL BACKGROUND

7. Plaintiffs incorporate by reference paragraphs 1-6.
8. Plaintiffs Mountjoy and Plaintiff Arntzen are leaders in northern Virginia and DC atheist organizations, as well as national atheist, humanist, and secular movements. Since 2008 they have been officers of Capital Beltway Atheists (formerly "Beltway Atheists"), the largest atheist organization in this area. These organizations engage in intellectual and social events geared toward furthering the development of their ideas, maintaining interest in and awareness of their goals, as well as maintaining and increasing their membership.
9. Capital Beltway Atheists uses the website "Meetup.com" for organizational purposes, and is dependent on that website to disseminate information to its membership regarding group events and activities.
10. During the performance of their duties Plaintiffs Mountjoy and Arntzen removed Defendants Wismer and Wingrove from the Capital Beltway Atheists organization membership on Meetup.com due to repeated interference with organizational activities.

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11. Subsequently, beginning in 2009, Defendants Wismer and Wingrove conducted ongoing online campaigns to intimidate, harass, and defame Plaintiffs Mountjoy and Arntzen in their capacities as Capital Beltway Atheists officers, and as individuals in the community.
12. Defendant Wismer created two fictitious Meetup.com accounts, "Shelley Whitevirgin", designed to impersonate Plaintiff Mountjoy; and "Vaing Loryuss". These two accounts were used to post numerous defamatory comments about Plaintiffs which were seen by other participants on Meetup.com including persons Plaintiffs Mountjoy and Arntzen interacted with in the local and national atheist community.
13. Defendant Wismer's published comments under the accounts named "Shelley Whitevirgin", and "Vaing Loryuss", directly stated that Plaintiffs Mountjoy and Arntzen were involved in lewd, obscene, immoral and/or illegal activities, including, without limitation, the following:

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- a. On or about April 23, 2010, using Meetup.com account name "Shelley Whitevirgin", on the webpage for an event hosted by Plaintiff Mountjoy, and in regards to that event, he wrote: "It was like being at one of those Warren Jeffs 'love-ins' 12 yr olds-16yr old wives were being passed around like appetizers @ a Denny's Buffet Table. Long Duck Don [last name omitted] and CREEPER Norm were the first to wiggle my bean...it was like I was the oil, and they were Saudi princes. It was orgasmic, sultry, smokey, dark, and suffocatingly exotic.
- b. On or about April 23, 2010, using Meetup.com account name "Shelley Whitevirgin", he posted: "Ralph, I want you to talk dirty to me, and I want you to cover me in your loving vacuum of foul air."
- c. On or about April 23, 2010, using Meetup.com account name "Shelley Whitevirgin", he posted: "Drop me a line...I want to educate you in the ways of love."
- d. On or about April 22, 2010, using Meetup.com account name "Shelley Whitevirgin", he posted: "NORM you big wet sexy man...thanks for creepin' up behind me the other day...its was wonderful...you're the King of my Creeper Kingdom...prrrrr."

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- e. On or about April 23, 2010, using Meetup.com account name "Shelley Whitevirgin", he posted: "You can be My Daddy, My Daddy, My Daddy. Come on, CREEPER Norm, you can make it rain your manhood down on meeeee. I love my pimp daddy Dr. Long Duck Don [last name omitted], he keeps my 16 yr old ass in check. To join the love-in fest of Polarmory Pootang a tang a tang, please go here...[hyperlinks to websites of groups with whom Plaintiff Mountjoy is associated]."
- f. On or about April 22, 2010, using Meetup.com account name "Shelley Whitevirgin", he posted: "I want you Jack...you put the air in Greasy Hair Sex Machine."
- g. On or about April 23, 2010, using Meetup.com account name "Shelley Whitevirgin", he posted: "Jack the way you quoted my heavenly body last night @ the WASH polyamory group session was just divine. I want you Xian loving mouth and tongue to depress all over my virgin 16 yr old body. You put the HOT in Hot Fudge Sundae Jack-off the bearded sex machine."

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- h. On or about June 8, 2010 using Meetup.com account name "Vaing Loryuss", he posted: "Now I'm new to the area, so I'm no sure how this works...but Christopher and Shelley said you like casual gay sex. I scored some drugs from Shelley, so we can have a good time whenever you like."
- i. On or about June 8, 2010 using Meetup.com account name "Vaing Loryuss" he posted: "I understand Shelley Mountjoy has been getting drugs from Greydon [last name omitted] & Brian [last name omitted] for years."
- j. On or about June 8, 2010 using Meetup.com account name "Vaing Loryuss", he posted: "Shelley & Christopher said that at a party last year you went down to her mansion in woodbridge and had some hot fisting, and anal tapping with a group she had set up...Also she said that I could bring some of the drugs I bought from Shelley last week."
- k. On or about June 8, 2010 using Meetup.com account name "Vaing Loryuss": "I'm new to the area, and new to this group...Shelley & Christopher begged me to join last week when we were having gay sex, smoking pot, & taking ruffees."

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- l. On or about June 8, 2010, using Meetup.com account name "Vaing Loryuss", he posted: "I am fast becoming good friends with Shelley Mountjoy & Christopher...they begged me to join this group when we were smoking pot and taking ruffees @ her mansion in Woodbridge....Christopher has a little penis, but I like him anyway b/c he makes me laugh. Shelley tells me you like young men with a big penis and solid buttocks....Anyway, I would like to talk to you about the things I would love to do to your penis in my juicy mouth."
- m. On or about June 8, 2010, using Meetup.com account name "Vaing Loryuss", he posted: "If you want a good time or good drugs send Shelley Mountjoy an email and she will call her supplies [sic] Brian [last name omitted] & Greydon [last name omitted]."

14. Defendant Wismer also published to a person or persons, including people Plaintiffs Mountjoy and Arntzen interact with in the local and national atheist community, via personal email, direct statements that Plaintiff Mountjoy was involved in immoral and/or illegal activites including, without limitation, the following: On or about April 14, 2010, via email to a list of approximately 15 people: "SHELLEY MOUNTJOY...all she wanted to do is socialize, get drunk, take drugs, and win a popularity contest umong [sic] atheists...big woop!"

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15. Defendant Wismer has also sent direct messages to Plaintiff Mountjoy, and posted messages online in places she was likely to see them threatening violence towards her, including without limitation, the following:

- a. Via email: "Subject: he beatch[sic]." Text: "are you alive or what????/We will find you. We will. You better kill yourself if you aint' [sic] dead already."
- b. Via email on or about November 27, 2009: "You stupid cunt. I'm going to choak [sic] you with my cock."
- c. On or about June 9, 2010, using Meetup.com account name "Vaing Loryuss", he posted: "When you roll around naked in peanut butter at night masterbating with a water hose...do the voices come? What do they say? Is your dead boyfriend still talking to you?"

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d. On or about June 9, 2010, using Meetup.com account name "Vaing Loryuss", he posted: "The truth is out there...and the truth will set you free! Allelujah! Thank God Almighty [sic] we are free at last! Ding dong the wicked witch, which ol witch...the wicked with...DING DONG the wicked witch is dead!!! And let the news be spread, the wicked ol witch at last is dead!!!!"; followed three minutes later by another message from "Vaing Loryuss" in which he posted: Subject: "tick tock tick tock tick tock." Text: "Time is running out...The time for honoring yourself will soon come to an end...your higness [sic]."

16. Defendant Wingrove registered a website with the name

www.beltwayatheists.org on which he made numerous postings in which he referenced Plaintiff Mountjoy and Plaintiff Arntzen by name.

17. In a series of postings on www.beltwayatheists.org, Defendant Wingrove complains that Plaintiffs Mountjoy, and her "surrogate", Plaintiff Arntzen, are spreading lies about Defendant Wingrove, in a "campaign of harassment" "to defame" Defendant Wingrove.

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18. On the website www.beltwayatheists.org Defendant Wingrove described the series of events which he believed led to Plaintiff Mountjoy's assumption of power within the Capital Beltway Atheist organization, and also to the removal of both Defendant Wingrove and Defendant Wismer from the Capital Beltway Atheists.
19. In an email dated April 28, 2010, which Defendant Wingrove posted on the www.beltwayatheist.org website, Defendant Wingrove states "I received an email from Christopher Arntzen (speaking for Shelley) this morning informing me that I have been kicked out of Beltway Atheists."
20. Defendant Wingrove even admits on "BeltwayAtheists.org" that he had previously accused "Christopher/Shelley" of "booting out" another member from the Capital Beltway Atheist group.
21. Virtually every time Defendant Wingrove mentions something he believes Plaintiff Mountjoy was doing to harass and defame him, he uses the phrase "Shelley/Christopher."

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22. Defendant Wingrove states that when he was first removed from the Capital Beltway Atheist group there was an exchange of emails sent among a select group of current and former Beltway Atheist (now Capital Beltway Atheists) members, one of whom was Plaintiff Arntzen, who forwarded the chain to Plaintiff Mountjoy. Thereafter, Plaintiff Mountjoy began responding to the email chain to defend herself.

23. Defendant Wingrove eventually posted the entire email chain on the website www.beltwayatheists.org.

24. Defendant Wingrove's references to Plaintiffs Mountjoy and Plaintiff Arntzen working together to harass and defame Defendant Wingrove include, but are not limited to, the following statements published on www.beltwayatheists.org:

- a. "My proposal was met with an escalation by Shelley/Christopher and renewal of allegations of harassment and death threats."
- b. "And in true McCarthyist style, Shelley/Christopher have fffered [sic] up a 'list' of names as proof."
- c. "But first, I want to point out that Shelley/Christopher have placed their own account of the events surrounding the decline of Beltway Atheists on shelleymountjoy.com. This was recently revised so that I appear much more sinister and conspiratorial than in the first version. Apparently, I am a very despicable person."

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d. "Indeed, the only person suffering from an ongoing campaign is me. And the person(s) conducting that campaign are Shelley/Christopher..."

25. On www.beltwayatheists.org Defendant Wingrove's states that in the course of their roles as officers of Beltway Atheists, "Shelley and Christopher...ejected [three members] for reasons which were transparently personal and vindictive."

26. Defendant Wingrove further stated that Plaintiff Mountjoy and Plaintiff Arntzen were spreading "false charges" about him; adding "is this the public face and behavior we want for the atheist community?"

27. Defendant Wingrove's allegations on www.beltwayatheists.org, and his other websites, were made in a context which referred to Plaintiffs' activities as officers of Capital Beltway Atheists.

28. Defendant Wingrove also registered a website with a web address that uses a common misspelling of Plaintiff Mountjoy's name, "www.shellymountjoy.com", and which is almost identical to Plaintiff Mountjoy's actual personal website address, "www.shelleymountjoy.com"; as well as registering a website with a web address identical to the name of the group organized by Plaintiff Mountjoy, "www.capitalbeltwayatheists.org".

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29. Subsequent to Defendant Wingrove's complaints about Plaintiffs on www.beltwayatheists.org, Defendant Wingrove published a statement purporting to be written by Plaintiff Mountjoy entitled "Shelley's long overdue apology."
30. Defendant Wingrove published a link to this "apology" on www.beltwayatheists.org, as well as several of his websites.
31. Defendant Wingrove's purported "apology" is attached hereto as Exhibit A.
32. This "apology" purports to be Plaintiff Mountjoy's apology for harassing and defaming Defendant Wingrove.
33. The "apology" refers to Plaintiff Arntzen as Plaintiff Mountjoy's "loyal droog" and, therefore, again insinuates that Plaintiff Mountjoy and Plaintiff Arntzen worked together to harass and defame Defendant Wingrove.
34. The clear message from Defendant Wingrove's postings on his several websites, including www.beltwayatheists.org, is that Plaintiffs were engaged in a cooperative effort to harass and defame both Defendant Wingrove and Defendant Wismer.
35. Defendant's Wismer and Wingrove made the aforementioned statements out of malice towards Plaintiffs Mountjoy and Arntzen..

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36. Plaintiffs Mountjoy and Arntzen have been harmed by these statements including insult, mental suffering, being placed in fear, anxiety, and have incurred both medical damages and harm to their reputations in the community.

COUNT I – COMPUTER HARASSMENT

Pursuant to the Virginia Computer Crimes Act, Virginia code §18.2-152.1 et seq.

37. Plaintiffs reincorporate by reference paragraphs 1-24.

38. Defendant Wismer made public and private statements, as laid out in paragraph 15, *supra*, to Plaintiff Mountjoy, threatening physical violence.

39. Defendant Wismer sent publicly accessible messages and private messages, including some while impersonating Plaintiff Mountjoy on Meetup.com, to mutual acquaintances, including the statements contained in paragraphs 12 and 15, *supra*, regarding Plaintiffs Mountjoy and Arntzen. .

40. Defendants Wismer in so doing used computers to communicate obscene, vulgar, profane, lewd, lascivious, or indecent language, make suggestions or proposals of an obscene nature, and threaten illegal or immoral acts.

41. Defendant Wismer did so with intent to coerce, intimidate, and harass Plaintiffs Mountjoy and Arntzen.

42. Plaintiffs Mountjoy and Arntzen were harmed by Defendant Wismer.

43. Plaintiffs Mountjoy and Arntzen are entitled to recover damages pursuant to *Mountjoy, Arntzen v. Wismer, Wingrove* Page 15 of 19

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Va. Code § 8.01-40.1.

44. Defendant Wismer's actions were malicious and showed intentional disregard for Plaintiff Mountjoy's rights, and accordingly punitive damages are appropriate against Defendant Wismer.

COUNT II – DEFAMATION

45. Plaintiffs incorporate by reference paragraphs 1-37.

46. Defendant Wismer published via the website Meetup.com, and by personal email to third parties, the statements listed in paragraphs 13 through 15, *supra*, in places accessible to the general public, and particularly likely to come to the attention of persons who search for Capital Beltway Atheists or local atheism activities.

47. Defendant Wingrove published to third parties via publicly accessible websites, the statements listed in paragraphs 17 through 33, *supra*.

48. Defendants' statements were made about Plaintiff Mountjoy and Plaintiff Arntzen.

49. Defendants' statements were seen by third parties and Plaintiffs Mountjoy and Plaintiff Arntzen.

50. Defendant Wismer's statements alleged Plaintiffs Mountjoy & Arntzen committed crimes, specifically crimes of moral turpitude involving illicit and *Mountjoy, Arntzen v. Wismer, Wingrove* Page 16 of 19

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pervasive drug use and distribution, as well as sexual relations with minors.

51. Defendant Wingrove's statements allege Plaintiffs' unfitness to perform the duties of their offices within the Capital Beltway Atheist organization or any other organization of which Plaintiffs are a part, as well as a lack of integrity in the discharge of the duties of such offices, and therefore are meant to impugn Plaintiffs' abilities to carry out the duties of such offices.

52. These statements by Defendants Wismer and Wingrove state individual and joint involvement by both Plaintiffs in these activities.

53. Defendants' statements are false.

54. Defendants Wismer and Wingrove made these statements with actual malice knowing them to be false and with reckless disregard for the truth.

55. Defendants' statements are defamatory per se.

56. Defendants' statements were made with the intent to injure Plaintiffs' good reputations in the community.

57. The danger of injury to Plaintiffs Mountjoy's and Arntzen's reputations from such words is readily apparent.

58. Plaintiffs Mountjoy and Arntzen have been harmed by these attacks, including insult, humiliation, embarrassment, mortification, shame, vilification, ridicule,

exposure to public infamy, disgrace, and scandal, injury to their reputation and feelings, and financial loss.

59. Defendants' actions were malicious and showed intentional disregard for the rights of Plaintiff Mountjoy and Plaintiff Arntzen, and accordingly punitive damages are appropriate.

COUNT III – STALKING

60. Plaintiffs incorporate by reference paragraphs 1-59.

61. Defendant Wismer made statements via email to Plaintiff Mountjoy, including the statements contained in paragraph 15, *supra*, and other similar statements.

62. Defendant Wismer knew or reasonably should have known these statements would be viewed by Plaintiff Mountjoy.

63. At the time he made these statements, he knew or reasonably should have known they would place Plaintiff Mountjoy in reasonable fear of death, criminal sexual assault, or other bodily injury.

64. Plaintiff Mountjoy was injured thereby, including mental suffering, fear, anxiety, and medical damages.

65. Plaintiff Mountjoy is entitled to recover her damages pursuant to Virginia Code §§8.01-42.3.

66. Defendant Wismer's actions were malicious and showed intentional disregard for Plaintiff Mountjoy's rights, and accordingly punitive damages are appropriate against Defendant Wismer.

PLAINTIFF DEMANDS TRIAL BY JURY

WHEREFORE, Plaintiffs, SHELLEY MOUNTJOY and CHRISTOPHER ARNTZEN, request that this Court enter a judgment of \$350,000 against Defendant Richard Wingrove, a judgment of \$350,000 against Defendant Jeffrey Wismer, and award punitive damages of \$350,000 against Defendants Jeffrey Wismer and Richard Wingrove, award reasonable attorney's fees and costs of suit, and other relief this Court deems mete and just.

Respectfully submitted,
SHELLEY MOUNTJOY &
CHRISTOPHER ARNTZEN
By Counsel

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EXHIBIT

A

An Apology

Based On a True Story

Hello, everyone. My name is Shirley Malfoy (Hi, Shirley!), and I have a problem with the truth. The nice folks here tell me that it is part of the program to apologize to people I've hurt. This could take awhile so I'll get right to it.

First and foremost, I want to apologize to "Nick Blingrove." I made some very serious charges against Nick. I made them in public, I made them repeatedly, I posted them on my website, I enlisted others in the propagation of these charges, and I even made these charges to the heads of national organizations in an attempt to get Nick's balls crushed in a vice.

The problem is that I might have accidentally made it all up.

My assault on Nick's integrity and reputation became necessary when he criticized me for my behavior as the leader of "Smeltway Blatheists." Yes, I was guilty of exactly what he said, but I was flustered and embarrassed and, rather than admit poor judgment and take responsibility for screwing up, I opted instead to pull a full Hannity and defend my actions at all costs.

(Yes, I listen to Rush Limbaugh's podcast every day. Why do you ask?)

And yes, I badly over-reacted and purged Nick and some of his friends and supporters from the group. No, no one had ever been kicked out before for "attendance issues" and yes, I had to trump up the charges to make it look real, and yes, I know he started the group and built it up and entrusted me with the leadership of an already successful organization, and yes I know this appears on its face to be a gigantic betrayal, and world class hissy fit, but he made me do it.

(No. I never read Lord of the Flies. What's it about?)

You see, I was angry at someone else – "Seth Glismer" – with whom I had developed a toxic relationship and who had said some very insulting things. Yes, technically they were mostly true and, yes, I did and said some pretty crazy shit too, but as the leader of a meetup I should be immune from any criticism. So even though Nick's email and Seth's insults were completely unrelated, I had to accuse Nick and Seth of conspiracy. I really didn't have a choice.

Yes, I know it was a dick move. And no, I was *not* aware that Nick and Seth had not even spoken for over a year and a half at that time, and yes, I am aware that this fact alone utterly refutes my charges against Nick, but I thought accusing Nick of awful and illegal acts would divert attention away from my own mistakes at Smeltway. Or something like that. Yes, I know it was mean and dumb and totally over the top – right out of Karl Rove's playbook - but it seemed to make hazy sense at the time.

Yes, I know it seems childish and petty. Nick's email wasn't even addressed to me and it was about something which I freely admit that I did, but since when do people in positions of authority have to take that kind of crap? Yes, I know some people might find fault with my attempt to vilify and defame a person who is completely innocent of any of the things I accused him of, but I think that some people are a little to liberal with their so-called "freedom of speech."

But by this time it had gone too far to reel back in. What was I supposed to do? Back down, admit the truth, and be done with it before it got out of hand? Yeah, right! That would have made me look ridiculous. Better I just stick to the story.

Be that as it may...

I accused Nick of harassment. Lots of harassment. And not just me – I accused him of harassing 21 people and 7 national organizations. I know, right? Who's got that kind of time? But I dug in and channeled my inner McCarthy and supplied a list of first names. That's all – just a list of first names. You should have seen all the sympathy that got for me, having been put through such a horrible ordeal and all. Priceless.

I also accused Nick of making repeated death threats against me. Yes, I actually said this in an email to the President of "Blamerican Blatheists." But it was never true. I didn't count on him asking me for proof. I tried bluster and indignation but he still wanted to see some emails. Unfortunately, I accidentally lost his email address.

When some people started asking for proof, I had to ramp up the charges again. My website now hosts a tirade by my loyal droog – 'Blistopher Klarntzen' – accusing Nick of gay bashing and homophobic rage. This was especially fun

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Exhibit(s) A Page 21 of 21

I continued to elaborate on the charges, and demanded that members of the local and national atheist community pick a side – my side. Surprisingly, this seemed to work for awhile. Other than the president of “Blamerican Blatheists,” few with any status in the local athletic community bothered to do their homework or even ask the simple questions. A little faux indignation worked just fine to shut down any hard questions.

Yes, I put some extra time on this hoax – I had to because of the total absence of any evidence such as emails or phone calls or witnesses or previous behavior or subsequent behavior or anything else that a reasonable person would expect to use for corroboration. What’s your point?

And why is everyone calling it “Shelley’s Shitstorm”? My name is Shirley. (Hi, Shirley!)

But now I feel like I need to come clean. Actually, it’s a condition for my eventual release, but I really, really mean it.

I am told that it is not cool to just make shit up about people. Whatever. They want me to think about the horrible position that it puts someone in to have to publicly deny false accusations. If they say so. They want me to think about the damage that it can inflict on a person’s reputation to falsely cry wolf. Yada yada yada.

So, fine! There was never any harassment, never any death threats, and never any gay bashing. There was never anything to back up any these insane and vicious lies. Nothing. Nada. Never.

Yes! I was wrong. I made things up and tried to get Nick deported to Guantanamo for waterboarding. I’m sorry if anyone took it the wrong way. So, bite me!

Most Sincerely,
Shirley Malfoy

Organizer, Beltway Atheists
Advisory Board Member, Atheist Nexus
President, Secular Student Alliance (GMU)
Organizer, Drinking Skeptically - Richmond
President, District of Columbia Atheists (DCA)
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Assistant Organizer, DC Atheist Women (DCAW)
Vice President, Virginia Freethought Renaissance
Board of Directors Member, Secular Student Alliance
Assistant Organizer, Gay Atheists of Washington DC (GAWD)
NVC Chapter Coordinator, Washington Area Secular Humanists (WASH)